

Surface Transportation Board, DOT

§ 1245.1

(FSAC) on one railroad or there must be at least two more FSAC's than there are railroads present in the waybill data being aggregated.

(3) The three-FSAC Rule shall apply to every number and calculation publicly released.

(4) The Director of OTA will consider requests to apply an alternative aggregation method provided the requestor establishes that a particular project necessitates an alternative approach and that approach effectively protects the identity of individual shippers.

(g) *Complaint procedures.* (1) Complaints for alleged breaches of confidentiality or misuse of confidential waybill data must include the following:

(i) Identification of all known parties involved in the alleged violation.

(ii) The approximate date(s) of the alleged violations.

(iii) A full and detailed description of the alleged violation.

(iv) A description of any resulting harm to the complainant.

(2) Prior to filing a complaint, a complainant, upon written request, may obtain a copy of the incoming waybill request and the applicable confidentiality agreement. This request must identify the party involved, give the approximate date the data was released, briefly describe the alleged violation, and substantiate the need for this information for purposes of filing a complaint.

(3) An original and three (3) copies of the complaint shall be filed with the Director, Office of Transportation Analysis, Surface Transportation Board, Washington, DC 20423. A copy of the complaint shall also be served on the alleged violator(s).

(4) An answer must be filed within 20 days after service of the complaint.

(5) All parties will be notified in writing of the Director's decision. If the Director determines that a violation has occurred, the offending parties will be denied access to the waybill sample for a period of time commensurate with the nature of the violation.

(6) Appeals to the Director's determination shall be filed in accordance with paragraph (d)(4)(iii) of this section.

(h) *Munitions shipments.* All waybill requests for munition data at the 3-digit Standard Transportation Commodity Code (STCC) level or greater will be forwarded by the STB to the Department of Defense's Military Traffic Management Command (MTMC). The STB will not release this type of information without MTMC's consent.

[52 FR 12416, Apr. 16, 1987. Redesignated at 65 FR 37711, June 16, 2000]

EFFECTIVE DATE NOTE: At 65 FR 37711, June 16, 2000, §1244.8 was redesignated as §1244.9, effective Jan. 1, 2001.

PART 1245—CLASSIFICATION OF RAILROAD EMPLOYEES; REPORTS OF SERVICE AND COMPENSATION

Sec.

1245.1 Rules governing classification of employees, service, and compensation.

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1245.5 Classification of job titles.

1245.6 Cross reference to standard occupational classification manual.

AUTHORITY: 49 U.S.C. 721, 11145.

SOURCE: 32 FR 20462, Dec. 20, 1967, unless otherwise noted.

NOTE: The report forms prescribed by part 1245 are available upon request from the Office of the Secretary, Surface Transportation Board, Washington, DC 20423.

§ 1245.1 Rules governing classification of employees, service, and compensation.

The rules governing the classification of railroad employees and reports of their service and compensation outlined in §§1245.3 and 1245.4 are required, and all Class I railroads within the scope of Section 11145 of the Interstate Commerce Act shall be governed by such rules in the preparation and submission of their annual and other periodic reports to the Surface Transportation Board in accordance with the forms adopted for such returns (§1245.2); and also with respect to any other matters covered by these rules.

[47 FR 53867, Nov. 30, 1982]